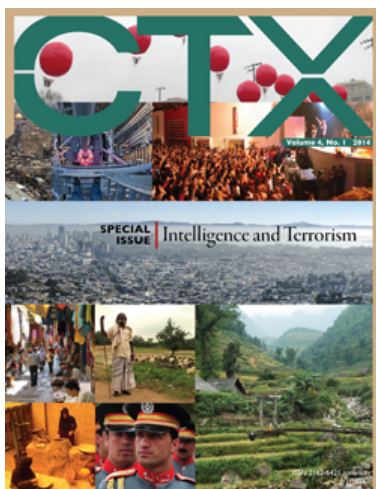


PREVENTING A DAY OF TERROR: LESSONS LEARNED FROM AN UNCUCESSFUL TERRORIST ATTACK



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One of the first and most successful cases of terrorism prevention in American history is also one of the least known.¹ The case involved what the U.S. government later called a conspiracy "to levy a war of urban terrorism against the United States."² A group of men plotted to bomb a number of targets in the New York City area, including the federal building at 26 Federal Plaza in Manhattan, which housed the New York headquarters of the Federal Bureau of Investigation (FBI); the United Nations (UN) Headquarters building; the Lincoln Tunnel and Holland Tunnel; the George Washington Bridge; and several military installations.³ The case, known as the Day of Terror plot, ended in 1995, when 10 defendants were convicted following a nine-month trial that remains the longest and most complex international terrorism trial in American history. Federal Judge Michael B. Mukasey said the planned attacks would have caused destruction on a scale "not seen since the Civil War," and would have made the 1993 World Trade Center bombing "seem insignificant."⁴

The fundamental reason that security officials were successful in foiling the plot is clear: the FBI had an informant, Emad Salem, among the plotters. But how did this informant happen to be there? If Salem's presence had been simply good luck, then the Day of Terror plot might offer few lessons for future counterterrorism efforts. But government officials maintained that the success of the case was due to more than just luck or coincidence, but rather was the result of a long-term project to cultivate contacts among the Muslim community. "There was some damn good police work involved," said one FBI agent.⁵



Planned bombing sites

The FBI was able to gather information about the Day of Terror plot from several confidential informants, but the key source of intelligence was Salem, a former Egyptian military officer who immigrated to the United States in 1987. He was a burly, bearded, enigmatic figure who worked as a private investigator, and also supported himself as a jewelry designer. During the trial in 1995, the *New York Times* described him as "a commanding presence. His bald pate is tanned and his rim of neatly trimmed black hair slicked back. He tends toward expensive suits, especially double-breasted models that cover an expanding bulk."⁶ Another account described him as "handsome, muscular, meticulously well groomed, and quite the charming actor."⁷ He appears to have been something of a chameleon, at times dressing in Islamic robes, at other times in jeans and T-shirts; to some he appeared to be a religious man, while to others he came across as being not religious at all.⁸

According to press accounts, Egyptian officials said Salem had entered the Egyptian army as a private and was "pensioned out" as an officer 18 years later, although he maintained a relationship with Egyptian military intelligence. He arrived in New York City from Cairo on 25 September 1987, leaving behind a wife

and two children in Egypt. According to press accounts citing U.S. government sources, he had agreed to report to the Egyptian authorities on any contacts with Egyptian military personnel who failed to return home after receiving training in America.⁹ Within a week after his arrival in the United States, Salem met a woman named Barbara Rogers, a secretary at Mount Sinai Medical Center. They were married only six weeks later on 8 November 1987, in a Muslim ceremony. Salem told Rogers he had been an intelligence officer in the Egyptian Army, and that he had been in charge of security for the president of Egypt—stories he later would repeat to his FBI handlers, but which he eventually admitted were lies. In his trial testimony in 1995, he said he had actually been a radar officer in Egypt.¹⁰

During Salem's first several years in the United States, he worked as a security guard at several different stores in New York City, including Bergdorf Goodman and Henri Bendel. He drove a cab briefly but quit when an angry customer threw a two-cent tip in his face. His wife explained to a newspaper reporter that such an insult was difficult for a proud man to take. "You have to understand," she said. "This man had his own driver in Egypt."¹¹ From 1991 to early 1993, he made several trips to Egypt, including at least once with Rogers. He and Rogers separated in 1990, and he later moved into the apartment of a jewelry designer, Karen Ohltsdorf. He became an American citizen in August 1991, and soon afterward he and Rogers began divorce proceedings. In late 1991, he married Ohltsdorf, although he was still married to Rogers; he and Rogers were eventually divorced in 1993.¹²

Salem Becomes an Informant



Salem first came to the attention of the FBI in August 1991, when he was in charge of security for the Best Western Woodward hotel in Manhattan. FBI agent Nancy Floyd visited the Woodward as part of a program in which she went to second-rate hotels, hoping to find misbehaving Russian diplomats who might be willing to share secrets. Salem proved able to provide leads on just the sort of people the FBI was looking for, and Floyd later used him to gain information on Russians suspected of gun-smuggling and selling counterfeit green cards.¹³

Salem indicated to Floyd that he could provide information about the "Blind Sheikh," Omar Abdel Rahman, so Floyd introduced him to John Anticev and Louie Napoli of the New York City Joint Terrorism Task Force (JTTF).¹⁴ The New York JTTF, the first to be established in the nation, had been formed in 1980 in response to incidents of domestic terrorism. Anticev and Napoli attempted to recruit Salem to be an undercover informant, offering to match his hotel salary of

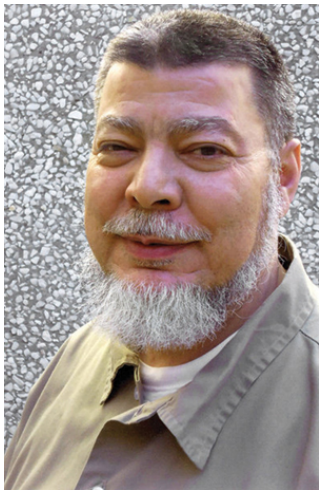
\$500 a week, but Salem hesitated at first, telling them he already had a full-time job.

In October 1991, Salem was injured at work when he fell off a stepladder and hit his head while trying to adjust a boiler. The manager of the hotel later said Salem's behavior changed after the accident: he began shirking work, and other employees started complaining about him. He apparently was let go from the hotel job.¹⁵ As Salem told the story later during the trial, he found himself out of work for a while because of his injuries, and when the FBI agents came back in November to renew their offer, he decided to take them up on it.¹⁶

Salem insisted on one condition, however: that his identity would never be disclosed. The FBI agents told him that if he wore a wire (a hidden recording device), he might have to testify sometime down the line, so Salem refused to wear one. The agents therefore agreed to his condition, telling him they would use him purely as an intelligence asset. If surveillance was necessary to develop trial-worthy evidence, other agents would move in to conduct it.¹⁷ This condition would later play a critical role in Salem's being terminated as an informant in 1992.

The Nosair Trial

Soon after they brought him onto the government payroll, Salem's FBI handlers approached him with a request. The trial of El Sayyid Nosair, suspected in the murder of Rabbi Meir Kaha



ne, was beginning in New York, and Nosair had developed quite a large circle of admirers and supporters among radical Islamists and others. Would Salem be able to infiltrate the group of followers around Nosair, and help the FBI keep tabs on what they were up to? Salem agreed, and he quickly turned out to be very good at undercover work. A source told journalist Peter Lance, "We had given him six weeks to get under [infiltrate the group]. He did it in two days."¹⁸

Salem began to attend the trial and visit mosques, and he befriended Nosair's cousin, Ibrahim El-Gabrownny. El-Gabrownny, a vocal supporter of Nosair, headed a fundraising committee and called for support for Nosair from mosques and Muslim associations. At one point during the trial, El-Gabrownny introduced Salem to Nosair, describing Salem as "a new member in the family."¹⁹ Soon El-Gabrownny told Salem that he and some friends were assembling materials for a bomb. He was vague about what their target might be, but Salem thought he sounded serious, and when El-Gabrownny asked him to join the group, he accepted.²⁰

Before the Nosair trial ended, Salem was invited for dinner at El-Gabrownny's house. During dinner, El-Gabrownny indicated that he was concerned about being bugged by the FBI, so he turned up the television and then began to discuss the building of high-powered explosives. El-Gabrownny asked Salem if he knew how to make bombs, and Salem said that he did, because of his army experience in Egypt.²¹ By early 1992, Sheikh Abdel Rahman, the spiritual leader of the group planning to carry out the attacks, had also welcomed Salem into the group, and Salem even traveled to Detroit with Abdel Rahman and others to attend a conference on the Islamic economy.²²

"Don't Call Me When the Bombs Go Off"

By June 1992, Salem still had not learned what the group was planning to do, but he had been told that the operation would involve 12 bombs and that guns would be needed in case the participants encountered police.²³ In early July 1992, however, a dispute developed between Salem and the FBI that would result in Salem being released as an undercover informant.

The problem arose when Agents Napoli and Anticev, who were in charge of the Salem operation, gave their superiors a briefing on the progress they had made, and were told it was now time to build a case that could be taken to court. In order to do that, Salem would have to wear a wire, which he had previously said he would never do. At about the same time, another problem arose for Salem: the FBI asked him to take a polygraph examination, apparently because they were suspicious he might be working for Egyptian intelligence. He was given three tests during the spring and summer of 1992, and although the agent who administered the tests believed he had passed, when experts in Washington reviewed the results, they determined he had lied on at least one of the tests.²⁴ In June or July 1992, Salem went to the FBI's New York City headquarters to meet with senior FBI officials Carson Dunbar and John Crouthamel. They told Salem he would have to wear a wire and be prepared to testify in court about the plot that was developing, but he continued to refuse.²⁵

In July 1992, Salem was dismissed as an informant, but he continued to get his weekly salary of \$500 to tide him over until he found another job. To explain his disappearance to the conspirators, Salem told El-Gabrownny he needed to go to Spain to take care of a problem in his jewelry business.²⁶ Nancy Floyd

continued to meet with him at a Subway sandwich shop near the FBI New York office to give him the cash. Salem warned her that something was going on with Sheikh Abdel Rahman's cell, and told her the FBI should be keeping track of the cell members.²⁷

Floyd had her last meeting with Salem in early October 1992, and again he warned her that the FBI should be worried about what was going on. She told him she had been transferred to another area, and was no longer involved in the case. As he left the Subway shop, he turned toward her and said, "Don't call me when the bombs go off."²⁸

After the World Trade Center Bombing, Back on the Payroll

On the afternoon of the day the World Trade Center was bombed, 26 February 1993, Salem called Floyd in a panic from a room at St. Clare's Hospital in Manhattan, where he had been admitted for an inner-ear infection. He told her he was worried that no one had listened to him, and that they might now think he had been involved. Floyd told Salem the FBI had accomplished all it could with the information he had given them, but she would talk to her supervisor to see what could be done for him. She called her boss in the National Security Division (now called the Counterintelligence Division), who said that it would be up to the Terrorism section to handle Salem if they wanted to. So Floyd called Napoli and told him that Salem wanted to talk.²⁹

At 1:00 a.m. that same night, Napoli and Anticev were in a meeting in the office of the FBI's assistant director in charge of the New York field office. Running the meeting was Mary Jo White, who had recently been appointed U.S. attorney for Manhattan. Napoli mentioned that they had an asset "that was very close to these people," and told White about Salem. White said she wanted to meet him, but Napoli answered, "Well, we were paying him like five hundred a week. This time, you know, considering what's happened, he's probably gonna want—a million dollars." To which White answered, "I don't give a damn what he wants. If he can deliver, give it to him."³⁰

After weeks of negotiation between Salem and lawyers and agents representing the FBI, it was agreed that the government would pay Salem over one million dollars to once again become an undercover source and serve as a witness at any future trial. They also guaranteed that he would be put into the witness protection program afterwards. It didn't take long for the decision to rehire Salem to pay off. In April 1993, Salem told Detective Louie Napoli that he had been approached by Abdel Rahman's interpreter, Siddig Ibrahim Siddig Ali, who told Salem that he was planning a series of simultaneous bombings against four major New York City landmarks: the Lincoln and Holland tunnels, the UN, and 26 Federal Plaza, where the New York offices of the FBI were located.³¹

Although the FBI was already involved in the massive investigation—codenamed TRADEBOM—into the World Trade Center attack, an investigation was now begun into the new plot, dubbed TERRSTOP. The FBI's Special Operations Group outfitted Salem with an array of listening devices, including two recorders in the trunk of his car and a specially designed pair of pants with an electronic chip in them that recorded voices. Salem got back in touch with Siddig Ali and began providing supplies to the conspirators, including a video camera for surveillance and a van that the FBI had wired for sound.³²

The investigation was almost exposed in May, when Siddig Ali confided to Salem that there were additional plans to assassinate several political figures sympathetic to Israel, including U.S. Senator Alfonse D'Amato of New York and Brooklyn Assemblyman Dov Hikind. Authorities informed the officials about the threats against them but stressed how sensitive the information was: because only a few of the conspirators knew about these plans, it was felt that Salem might be exposed as the source if the information on the threats became public.

Despite the FBI's efforts, however, the threat to Hikind leaked to the press, and on 25 May, the New York Post ran headlines announcing this new, second terrorist plot. Salem believed his cover had been blown. He later told his exwife, Barbara Rogers, that when Siddig Ali heard the news, he lined up Salem and several others who knew about the plot against Hikind and put a revolver to each man's head. "Allah is going to tell us who the traitor is," Siddig Ali said.³³ But luckily for Salem and the FBI, when no one confessed, Siddig Ali concluded it might have been a coincidence, or that the FBI could have gotten its information through some sort of surveillance of the group.³⁴

The FBI and the JTTF continued monitoring the plot until the group had begun to actually mix the explosives that would go into their bombs, on the night of 23–24 June 1993. It was then that the safe house was raided and the Day of Terror plot was foiled.

For Salem, the stress involved in living a double life as a terrorist conspirator and government informant brought on an asthma attack, and after the FBI raided the bomb factory, he ended up in the emergency room of Mount Sinai Hospital, seeking treatment under a false name.³⁵ But he recovered, and prospered from his role in the case. At the 1995 trial, it was revealed that the government had agreed to pay Salem a total of \$1,056,200 for his work as an informer, and until he received that payment, he was given \$7,000 a month. Before that, his payment as a government informant had been \$500 a week, plus expenses. The federal witness protection program, which reportedly moved him 14 times from the time he entered it in June 1993 until the trial, also paid him \$2,600 per month for living expenses.³⁶

The Case Goes to Trial

Soon after the 24 June arrests, it was discovered that the terrorist conspirators were not the only ones whom Salem, the informant, had been secretly spying on and tape recording. He had also been making secret recordings of his conversations with government agents, going back at least to the Nosair trial. He apparently wanted the tapes as an insurance policy in case the government backed away from its promises of money and protection. The "bootleg" tapes came to light when Salem hurriedly left his West Side Manhattan apartment after the Day of Terror plot was broken up, leaving behind cassettes of the secret recordings. Judge Michael Mukasey allowed the transcripts of the hundreds of hours of tape to be given to the defense lawyers, but ordered that they be kept secret. The New York Times obtained a copy of the transcripts nevertheless, and their existence became public. Eventually the transcripts of the tapes were introduced into evidence during the trial.³⁷

The tapes revealed some new details about the terrorist plot. Salem could be heard saying that the conspirators also discussed bombing Grand Central Terminal, the Empire State Building, and Times Square.³⁸ But more significantly, they showed how sensitive and troubled the relationship was between Salem and his FBI handlers. At some points, FBI officials appeared to encourage Salem to risk pushing the cell's members to make incriminating statements and possibly entrap themselves.

The trial opened in New York federal court in January 1995, and ended nine months later, after the jury had heard testimony from more than 200 witnesses and listened to more than 100 hours of the tape recordings that Salem had secretly made. The jury deliberated for seven days before pronouncing all 10 defendants guilty of attempting to carry out a campaign of terrorism.

Conclusion

What might have been America's most devastating terrorist attack prior to 9/11 was foiled because an FBI informant provided authorities with precise, tactical level intelligence on the plot as it was developing. But the history of this case demonstrates the obstacles that law enforcement agencies face in obtaining and using this type of human intelligence.

The FBI and the New York JTTF had originally recruited Emad Salem as a confidential informant in the fall of 1991, but senior officials in the FBI and the JTTF were not receptive to the information he was providing. This was in part because they did not trust Salem's motives. In addition, they were reflecting the conventional assessment of the terrorist threat in the United States at that time. Terrorism was seen as a primarily international problem, backed by hostile states such as Libya; although officials recognized a limited domestic threat from disgruntled or deranged individuals, they saw domestic terrorism as much less threatening.

This case also demonstrated several techniques that have been shown to be critical today in the fight against terrorism. One technique is the use of a joint terrorism task force, linking the FBI, local law enforcement, and other government agencies together in a cooperative effort.³⁹ A second technique is electronic surveillance: much of the evidence introduced in the case came from secret wiretaps, some of which were authorized by the Foreign Intelligence Surveillance Court.⁴⁰

In addition, the Day of Terror plot demonstrated the utility of taking a slow, careful approach to terrorism investigations: letting plots go forward long enough so that the full scope of the conspiracy can be determined and as many of the plotters can be caught as possible. "We had to let the information develop," said a former FBI assistant director who had been involved in the case. "Taking them off the street at an early stage of the investigation, I don't believe would have afforded us the opportunity to discover and resolve the intent to blow up the tunnels."⁴¹

This case raised a number of issues that continue to be debated today concerning the prosecution of terrorist suspects, such as how to balance the need for security and civil liberties in terrorist investigations, and how to balance the need for physical security during the trial with the right of the accused to an open and public trial.⁴² The case also was an early example of how terrorists and their supporters make use of modern information technology: throughout the trial, supporters of Abdel Rahman and the other defendants used the internet to solicit funds for their defense.⁴³

Finally, the Day of Terror plot remains useful for study today because it provided an early model for how a group of loosely affiliated extremists can come together, train, plan, and very nearly carry out a terrorist attack intended to inflict wide-scale death and destruction. The conspiracy proceeded through a number of distinct stages, including member recruitment, group paramilitary training, target selection, and weapons acquisition. Similar patterns can be seen in a number of terrorist plots that have been foiled since then, suggesting that such a template may prove useful in analyzing and preventing complex terrorist plots in the future.

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NOTES:

1. This article draws upon my book, *Intelligence and Surprise Attack: Failure and Success from Pearl Harbor to 9/11 and Beyond* (Washington, D.C.: Georgetown University Press, 2013), and a paper presented at the International Studies Association annual conference in Montreal, Canada, in March 2011. The views presented here are those of the author and do not represent the official position of the U.S. Naval Postgraduate School, the U.S. Department of the Navy, or the U.S. government.

2. Mary B.W. Tabor, "Specter of Terror: U.S. Indicts Egyptian Cleric as Head of Group Plotting 'War of Urban Terrorism,'" *New York Times*, 26 August 1993.
3. *United States v. Rahman* (Indictment), S5 93 Cr. 181 (MBM) (S.D.N.Y. 1994), 6. The case is sometimes referred to as the "landmarks" or the "monuments" plot. The primary sources of information for this article are the records and transcripts resulting from the initial trial of the plotters, *United States v. Rahman*, U.S. District Court, Southern District of New York, held in 1995; and the appeal made by the defendants to the 2nd U.S. Circuit Court of Appeals, with a decision handed down in August 1999, 189 F.3d 88.
4. Joseph P. Fried, "Sheik Sentenced to Life in Prison in Bombing Plot," *New York Times*, 18 January 1996.
5. George J. Church, "The Terror Within," *Time*, 5 July 1993.
6. Neil MacFarquhar, "In Bombing Trial, a Deluge of Details," *New York Times*, 19 March 1995.
7. Jim Dwyer, *Two Seconds under the World: Terror Comes to America: The Conspiracy behind the World Trade Center Bombing* (New York: Crown Publishers, 1994), 183.
8. Alison Mitchell, "Official Recalls Delay in Using Informer," *New York Times*, 16 July 1993; Ralph Blumenthal, "Tapes in Bombing Plot Show Informer and F.B.I. at Odds," *New York Times*, 27 October 1993. Some accounts say Salem first arrived in the United States in 1988, but most accounts agree it was 1987.
9. Ralph Blumenthal, "The Informer: Tangled Ties and Tales of F.B.I. Messenger," *New York Times*, 9 January 1994; Blumenthal, "Tapes in Bombing Plot."
10. *United States v. Rahman*, trial testimony, 7 March 1995: 4584– 85; Blumenthal, "The Informer"; Mitchell, "Official Recalls Delay." On Salem's admission to lying about his background, see *Rahman*, trial testimony, 7 March 1995: 4575; and James C. McKinley Jr., "Key Witness in Bomb-Plot Trial Admits Lying about His Exploits," *New York Times*, 8 March 1995.
11. Dahl, *Intelligence and Surprise Attack*, 120.
12. Blumenthal, "The Informer."
13. Peter Lance, *1000 Years for Revenge: International Terrorism and the FBI—The Untold Story* (New York: Regan Books, 2003), 53. Salem testified at the trial that Floyd first came to the hotel in the spring of 1991 (not August), but he also said he was not very good at remembering dates; *Rahman*, trial testimony, 7 March 1995: 4588–609.
14. On the New York Joint Terrorism Task Force, see National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (New York: Norton, 2004), 81–82; Mary Jo White, "Prosecuting Terrorism in New York," *Middle East Quarterly* 8, no. 2 (Spring 2001): <http://www.meforum.org/25/prosecuting-terrorism-in-new-york>
15. Blumenthal, "The Informer."
16. *Rahman*, trial testimony, 7 March 1995: 4609; McKinley, "Key Witness in Bomb-Plot Trial."

17. Lance, *1000 Years for Revenge*, 58–59.
18. Ibid., 60. See also *Rahman*, trial testimony, 7 March 1995: 4609–11.
19. United States v. Rahman, 189 F.3d 88 (S.D.N.Y. 1999); *Rahman*, trial testimony, 7 March 1995: 4713–15.
20. This period is discussed in Rahman, trial testimony, 7 March 1995: 4611–22, 4874–85, 6094–95. See also John Miller, Michael Stone, and Chris Mitchell, *The Cell: Inside the 9/11 Plot, and Why the FBI and CIA Failed to Stop It* (New York: Hyperion, 2002), 70; United States v. Rahman (Indictment), S5 93 Cr. 181 (MBM) (S.D.N.Y. 1994), 9.
21. *Rahman*, trial testimony, 7 March 1995: 4710–13.
22. *Rahman*, 189 F.3d 88; Lance, *1000 Years for Revenge*, 66–67.
23. *Rahman*, 189 F.3d 88; Miller, Stone, and Mitchell, *The Cell*, 73.
24. James C. McKinley Jr., "Witness in Bombing Plot Once Failed Lie-Detector Tests," *New York Times*, 3 March 1995.
25. United States v. Rahman, trial testimony, 13 March 1995: 4939–44; Miller, Stone, and Mitchell, *The Cell*, 74–75, 85–93.
26. *Rahman*, 189 F.3d 88.
27. Lance, *1000 Years for Revenge*, 102–3.
28. Ibid., 104.
29. *Rahman*, trial testimony, 13 March 1995: 4998–5004; Lance, *1000 Years for Revenge*, 134–36.
30. Lance, *1000 Years for Revenge*, 136. This episode is also described in a 9/11 Commission *Memorandum for the Record* of its staff interview with NYPD Detective Louis Napoli, 4 September 2003: <http://media.nara.gov/9-11/MFR/t-0148-911MFR-00390.pdf>
31. Lance, *1000 Years for Revenge*, 151–52; Miller, Stone, and Mitchell, *The Cell*, 113.
32. Lance, *1000 Years for Revenge*, 152; Miller, Stone, and Mitchell, *The Cell*, 114.
33. Dahl, *Intelligence and Surprise Attack*, 123.
34. Miller, Stone, and Mitchell, *The Cell*, 115–16; Dwyer, *Two Seconds*, 217–18.
35. Blumenthal, "The Informer."
36. United States v. Rahman, trial testimony, 7 March 1995: 4579–80; MacFarquhar, "In Bombing Trial."
37. Blumenthal, "Tapes in Bombing Plot." Salem discussed his decision to make tape recordings in his testimony on 13 March 1995.

38. Blumenthal, "Tapes in Bombing Plot"; Blumenthal, "The Informer."

39. *Foreign Terrorists in America: Five Years after the World Trade Center: Hearing Before the Subcommittee on Technology, Terrorism, and Government Information, of the Committee on the Judiciary*, 105th Cong. 41 (1998) (testimony of Dale Watson).

40. The U.S. Foreign Intelligence Surveillance Court, also called the FISA Court after the Foreign Intelligence Surveillance Act that created it, is a special court of 11 (originally seven) appointed judges who review applications for warrants from law enforcement agencies that relate to national security investigations.

41. Jim McGee, "Ex-FBI Officials Criticize Tactics on Terrorism," *Washington Post*, 28 November 2001.

42. Judge Mukasey received death threats as a result of the case, and U.S. marshals were posted outside his chambers and at his New York apartment. He was transported in an armored limousine with a chase car. Susan Schmidt and Dafna Linzer, "Attorney General Nominee Made His Name with Terror Cases," *Washington Post*, 11 October 2007.

43. On the use of the internet, see *Foreign Terrorists in America* (1998).